

REMARKS

Reconsideration of this application is requested.

With regard to the Examiner's comments concerning the drawings, a copy of Figures 2-3 is enclosed herewith showing the addition of the reference numeral 33. It is believed that the Examiner will find the proposed changes acceptable.

As to the Examiner's comments concerning the specification, updated information is provided with regard to the then-pending application referred to on page 2, and a patent number is corrected also.

Concerning the Section 112 rejection, Claims 53 and 90 have been amended to obviate the Examiner's objections.

With regard to the Examiner's double patenting rejection, Applicant intends to provide a terminal disclaimer in due course once there is an indication of allowable subject matter.

Turning to the Examiner's comments concerning election/restrictions, it is respectfully submitted that present Claim 77 does read on the elected species inasmuch as the stalk-like knobs 118 extending from the ends of the plate haptics 120 clearly have a thickness greater than the haptic inner end and inasmuch as they are shown as such and are described as stalk-like knobs.

Accordingly, it is requested that Claims 77 and its dependent claims (the two new claims added by the present amendment, Nos. 100 and 101) remain in the application.

Turning now to the claim rejections on art, it is respectfully submitted that the present claims define patentable subject matter over the cited patents. The present generic independent Claims 53 and 90 clearly define an accommodating intraocular lens adapted to be implanted within a natural capsular bag attached to a ciliary muscle of a human eye, require a lens body adapted to be disposed in the natural capsular bag of the eye and which body is operable to move the optic posteriorly and anteriorly relative to the outer ends of the haptics in response to forces imparted by ciliary muscle relaxation and constriction. With regard to Tennant '509, that patent discloses a lens placed in the anterior chamber, not in the capsular bag. The remaining patents to Schlegel '597 and '406, Kalb '457 and Portnoy '761 are not accommodating lenses. In view of this, it is respectfully submitted that the active claims in this application, including the newly added claims, clearly define patentable subject matter over the cited references. There are numerous other distinctions between the present invention and the cited art including the claimed hinge, groove and the like.

In view of the foregoing, favorable reconsideration and a Notice of Allowance is earnestly solicited.

A Revocation & Power of Attorney is enclosed herewith.

The Commissioner is authorized to charge Counsel's Deposit Account No. 150665 for any additional fees that may be required and to credit any overpayments to said Deposit Account 150665.

Respectfully submitted,

Orrick, Herrington & Sutcliffe LLP

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By: Samuel B. Stone

Samuel B. Stone

Reg. No. 19,297

Attorneys for Applicant

4 Park Plaza  
Irvine, California 92614-2558  
(949) 567-6700

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

This Application is a continuation of my co-pending application Serial No. 08/987,531, filed December 9, 1997, now Patent No. 6,197,059 which is a continuation-in-part of my co-pending application Serial No. 08/640,118, filed April 30, 1996, which is a continuation of Serial No. 08/500,010 filed July 10, 1995, which is a continuation of Serial No. 08/113,215, filed August 27, 1993, which is a continuation-in-part of Serial No. 08/020,630 now Patent Nos. [5,416,514] 5,476,514, 5,672,282, and 5,496,366, which is a continuation-in-part of Serial No. 07/915,453, now abandoned, which is a continuation-in-part of Serial No. 07/515,636, now abandoned.

IN THE CLAIMS

53. (amended) An accommodating intraocular lens adapted to be implanted within a natural capsular bag attached to [the ciliary muscle of the] a ciliary muscle of a human eye, comprising:

a lens body having anterior and posterior sides and including an optic and at least two haptics extending from the optic and having inner ends adjacent to said optic and opposite outer ends, and wherein

said lens body is adapted to be disposed in a natural capsular bag of the eye, wherein said lens body is operable to move the optic posteriorly and anteriorly relative to the outer ends of said haptics in response to forces imparted by ciliary muscle relaxation and constriction, respectively.

90. (amended) An accommodating intraocular lens to be implanted in a human eye within a natural capsular bag in the eye attached about its perimeter to [the ciliary] a ciliary muscle of the eye, the lens comprising:

a lens body having [normally] anterior and posterior sides and including an optic and haptics extending from said optic and having inner ends adjacent said optic and opposite outer ends, and

wherein said lens body is adapted to move the optic anteriorly and posteriorly relative to the outer ends of said haptics in response to forces imparted through constriction and relaxation of the ciliary muscle of the eye,

wherein relaxation of the ciliary muscle effects posterior deflection of the lens such that the optic moves posteriorly relative to the outer ends of said haptics and constriction of a ciliary muscle effects anterior deflection of the lens such that the optic moves anteriorly relative to the outer ends of said haptics.

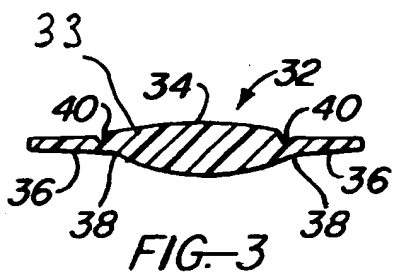
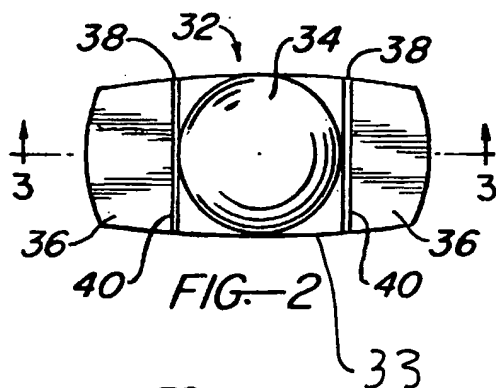
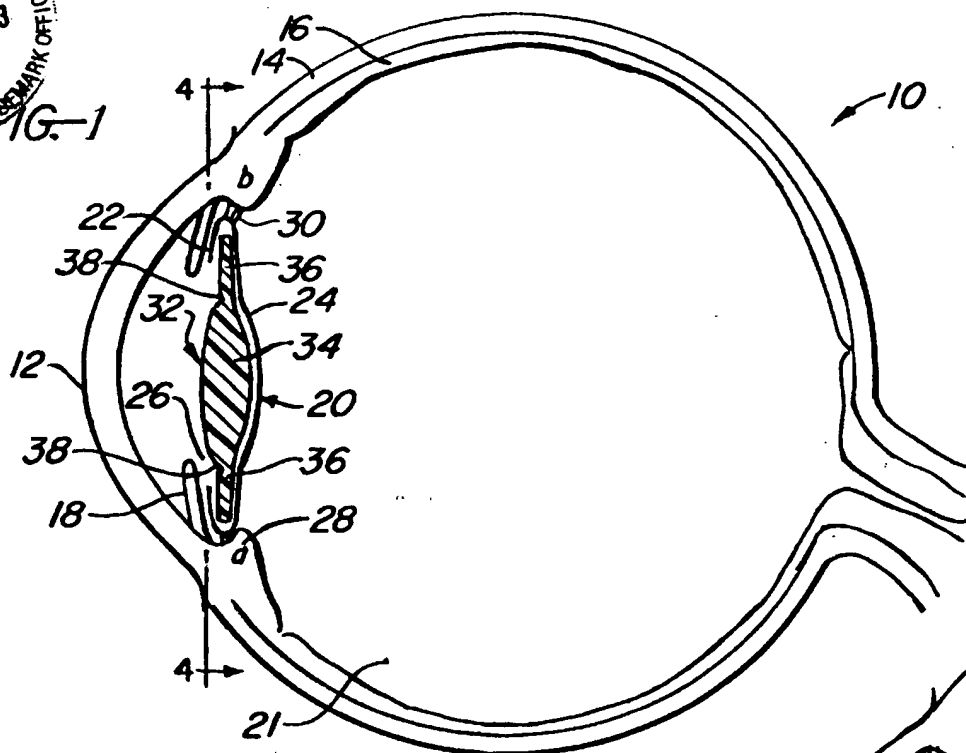
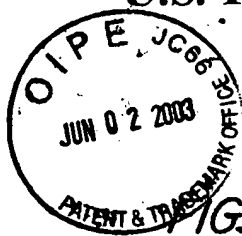
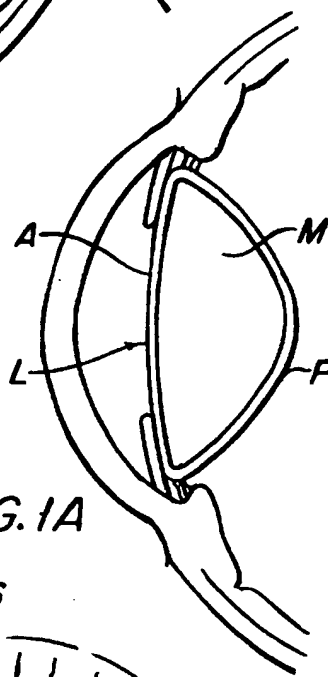
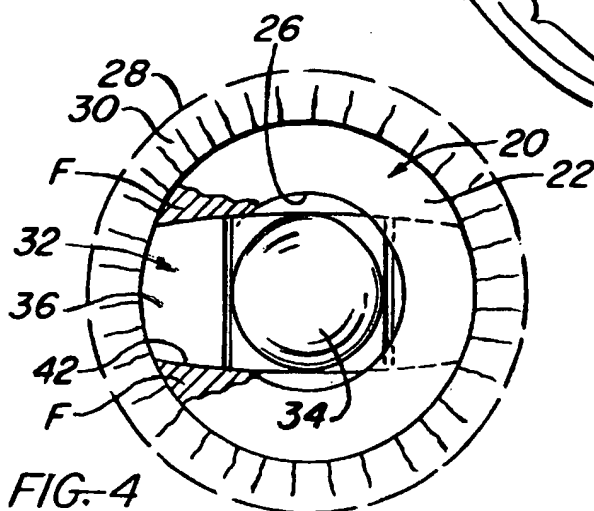


FIG. 1A



entry approved 9/6/03